

## **REMARKS**

The Office Action dated January 30, 2009 has been received and reviewed. This response, submitted along with a Petition for a One-Month Extension of Time, is directed to that action.

Claims 1 and 15 have been amended, and claims 4 and 14 have been cancelled. Support for the amended claims can be found throughout the specification and particularly in claims 4 and 14 as originally filed. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

### **Claim Rejections- 35 U.S.C. §102**

The Examiner rejected claims 1-12, 14-15 and 17-19 under 35 U.S.C. §102(b) as anticipated by Edwards et al. (WO 93/08095). The applicants respectfully traverse this rejection.

The presently claimed invention is now generally directed to a water-soluble container comprising a first and second compartments comprising compositions, the compartments being separated by a spacer, and wherein the spacer itself comprises a composition (i.e., effectively a third composition enclosed within a third compartment). Edwards fails to teach all of the limitations of the presently claimed invention, in particular a spacer comprising a separate composition. While the Examiner argues that feature (4) shown in Edwards is a “spacer” according to the present invention, Edwards’ “spacer” is merely a sheet of film, and does not, nor cannot comprise a composition. Accordingly, because Edwards does not teach all of the limitations of the presently

claimed invention, Edwards does not anticipate the present claims and the applicants respectfully request that the Examiner withdraw this rejection.

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-3, 5-9, 11 and 13-19 under 35 U.S.C. §103(a) as obvious over Bruno (US 3,324,993) in view of Edwards. The applicants respectfully traverse this rejection.

The presently claimed invention, as amended, incorporates the features of previous claim 4, which was not subject to the present rejection. Accordingly, the applicants respectfully submit that the amendments to the claims obviate the present rejection under 35 U.S.C. §103(a) as obvious over Bruno in view of Edwards. The applicants request that this rejection be withdrawn.

Claim Rejections- Double Patenting

The Examiner rejected claim 1-19 under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of US 7,407,923 to Wiedemann et al. In order to overcome this rejection, the applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321. The applicants respectfully request that this rejection be withdrawn.

The applicants submit that the claims are in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which

can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
NORRIS McLAUGHLIN & MARCUS, P.A.

By Mark D. Marin  
Mark D. Marin  
Reg. No. 50,842  
875 Third Avenue - 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700  
Fax: (212) 808-0844